

PTO/SB/01 (02-01)

Approved for use through 10/31/2002. OMB 0551-0032

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.53)**

☒ Declaration
Submitted
with Initial
Filing
OR
☐ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number 0960-017

First Named Inventor John B. Terry

COMPLETE IF KNOWN

Application Number

Filing Date

Herein

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ARCHITECTURE AND METHOD FOR AUTOMATIC DISTRIBUTED GAIN CONTROL FOR
MODEM COMMUNICATIONS OVER PASSIVE MULTIPOINT NETWORKS**

(Title of the invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s) or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 29 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/27/2001 11:02

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DANIELS & DANIELS, PA

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PTO/SB/01 (03-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent ApplicationDirect all correspondence to: ☒ Customer Number **26108** OR ☐ Correspondence address below
or Bar Code LabelName **Daniels & Daniels, P.A.**Address **Post Office Drawer 12708**City **Research Triangle Park**State **NC**ZIP **27709-2218**Country **United States**Telephone **(919) 544-5444**Fax **(919) 544-5920**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any)) **John B.**Family Name
or Surname **Terry**Inventor's
Signature 

Date

March 27/2001Residence: City **Cumming**State **Georgia**Country **United States**Citizenship **United Kingdom**Mailing Address **2033 Melodi Lane**City **Cumming**State **Georgia**ZIP **30041**Country **USA**NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any))Family Name
or SurnameInventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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Please type a plus sign (+) inside this box → ☒

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**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT**

| | |
|------------------------|---------------------------------|
| Application Number | |
| Filing Date | Barclith |
| First Named Inventor | John B. Terry |
| Title | Architecture and Method for ... |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 0960-017 |

I hereby appoint:

☒ Practitioners at Customer Number

26108

Place Customer
Number Bar Code
Label here☒ Practitioner(s) named below:

| Name | Registration Number |
|-----------------------|---------------------|
| Kevin P. Flynn | 37,375 |
| Caroline H. Roddellow | 36,552 |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer NumberPlace Customer
Number Bar Code
Label here☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

John B. Terry

Signature

Date

March 27/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required; see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

COPY

ASSIGNMENT OF INVENTION

WHEREAS, John B. Terry, an individual residing at 2033 Melodi Lane, Cumming Georgia is the inventor of the one or more new and useful improvements described in a United States provisional patent application with title ARCHITECTURE AND METHOD FOR AUTOMATIC DISTRIBUTED GAIN CONTROL FOR INTERNET COMMUNICATION FOR MDUs AND HOTELS with U.S. Patent Application No. 60/193,855;

WHEREAS, JT Laboratories LLC a Georgia limited liability company (hereinafter the ASSIGNOR) having a principle place of business at 2033 Melodi Lane, Cumming Georgia 30041, having an existing relationship with John B. Terry, wishes to memorialize its conveyance of any and all rights it may have acquired and retained in the above identified patent application, including but not limited to, any and all rights acquired through JT Laboratories LLC's various relationships with John B. Terry; and coaXmedia, Inc. to coaXmedia, Inc.;

WHEREAS, coaXmedia, Inc. a corporation having a principal place of business at 1220 Oak Industrial Lane, Suite B, Cumming Georgia 30041 USA, (hereinafter ASSIGNEE) is desirous of memorializing the transfer of the entire right, title and interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR by these presents hereby sells, assigns, and transfers unto the said ASSIGNEE, its successors, assigns, and legal representatives, the full, exclusive, non-revocable, and worldwide rights to the said improvements, including all letters patents which result directly or indirectly from the referenced provisional patent application, including patents arising under a non-provisional application, continuation (including but not limited to CPA and RCE applications), continuation in part, reissue, re-examination proceeding, or any other process granting legal rights within the United States or anywhere in the world, including all rights obtainable from said improvements, in the United States and all foreign countries, together with the right of priority for all member countries under: the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres including related rights such as utility model registration, inventor's certificates, defensive publications, and the like;

And, ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents or related rights on applications as referenced above to issue any patents or document conveying rights arising from the referenced application to ASSIGNEE in accordance with the terms of this assignment for ASSIGNEE's sole use and behalf, and for the use and behalf of ASSIGNEE's successors, assigns, and legal representatives, to the full end of the term for which any patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made;

And, ASSIGNOR hereby agrees to transfer a like interest upon request of said ASSIGNEE, ASSIGNEE's successors, assigns, and legal representatives, and without further remuneration, to any improvements, and applications for patents based thereon, growing out of or related to the said improvements; and to execute any papers by ASSIGNEE, his successors, assigns, and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the improvements hereby transferred;


Agreeing, further, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE, for full protection and title in and to the improvements hereby transferred including any and all papers desired by ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE;

And ASSIGNOR hereby further covenants and agrees that ASSIGNOR has the full right to convey the entire interest herein assigned, and ASSIGNOR has not and will not execute any agreement in conflict herewith;

And ASSIGNOR hereby covenants and agrees to communicate to ASSIGNEE any facts know to that ASSIGNOR respecting said improvements, and will testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, continuation-in-part, substitute and reissue applications, make all rightful oaths and generally do everything possible to obtain and enforce proper patent protection for said improvements in all countries.

Assignor

In testimony whereof, I hereunto set my hand this 1st day
of AUG 2000.


 J.B. Terry
President & CTO

(Authorized Representative for JT Laboratories LLC (name and title))

STATE OF GEORGIA
FORSYTH COUNTY

On August 1, 2000, before the undersigned, a
Notary Public for the State and County aforesaid, personally appeared
John B. Terry to sign for JT Laboratories LLC, known to me or proved
to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above assignment,
and acknowledged that he executed the same.

**My Commission Expires March 13, 2004
Notary Public, Fulton County, Georgia**



Notary Public

Date my Commission will expires on

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